

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

|  |                                |
|--|--------------------------------|
| IN RE JOHNSON & JOHNSON DERIVATIVE LITIGATION                  | Civil Action No. 10-2033 (FLW) |
| IN RE JOHNSON & JOHNSON FCPA SHAREHOLDER DERIVATIVE LITIGATION | Civil Action No. 11-2511 (FLW) |
| COPELAND v. PRINCE, <i>et al.</i>                              | Civil Action No. 11-4993 (FLW) |

**DECLARATION OF MICHAEL D. SIROTA**

MICHAEL D. SIROTA, ESQ., of full age, hereby declares as follows:

1. I am an attorney at law of the State of New Jersey, and am a member and Co-Managing shareholder of the law firm of Cole, Schotz, Meisel, Forman & Leonard, P.A. (“Cole Schotz”) located in Hackensack, New Jersey. Cole Schotz employs approximately 113 attorneys among its offices in New Jersey, New York, Maryland, Delaware and Texas. I am fully familiar with the facts contained herein based upon my personal knowledge.
2. I am submitting this Declaration at the request of James E. Cecchi of the firm of Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C. (“Carella Byrne”), co-lead counsel for Plaintiffs in the above-captioned actions (the “Actions”).
3. I was admitted to the practice of law in New Jersey in 1986. In addition to being licensed to practice law in the State of New Jersey since 1986, I have been licensed to practice law in the State of New York and District of Columbia since 1987. I have also been admitted in the following federal courts as of the years indicated: District of New Jersey (1986); New York, Southern District (1987); U.S. Court of Appeals for the District of Columbia (1987); and U.S. Courts of Appeals for the Third (1987), Sixth (1987), Eleventh (1987), and First (2007) Circuits.

4. My practice involves complex commercial litigation, insolvency and corporate restructuring. I have litigated and tried complex civil cases in New Jersey throughout my career. By way of example, I have represented clients in insolvency law, complex bankruptcy and commercial litigation matters, in industries including casino and gaming, healthcare, real estate, manufacturing, finance and transportation. I have handled such cases through the appellate process including several arguments before the United States Court of Appeals for the Third Circuit.

5. I have practiced law continuously since 1986. My practice is nationwide in scope. I have represented clients with substantial interests in distressed situations and insolvency proceedings, as well as commercial litigation, throughout the country. As such, I have gained knowledge of the billing rates and ranges for attorneys nationwide engaged in similarly complex and sophisticated matters. In addition, I serve on my Firm's Executive Committee which provides the oversight on establishing the Firm's hourly rates after considering market considerations and other law firm's hourly rates.

6. In 2011, *Chambers USA: America's Leading Lawyers for Business* ranked five of Cole Schotz practices among the nation's best. In addition, nine Cole Schotz attorneys were recommended as leading practitioners in their respective fields. The firm's New Jersey Bankruptcy and Corporate Restructuring Practice, of which I am co-Chair, earned the directory's highest ranking. I was recognized with a top-tier honor individually.

7. I have been honored to serve (and continue to serve) as a member of the Lawyers Advisory Committee for the United States District and Bankruptcy Courts for the District of New Jersey. I also served on the 2006, 2007, 2009-2012 United States Magistrate Judges

Judicial Selection Committee for the United States District Court and the 2006 Merit Selection Committee for the selection of a United States Bankruptcy Judge.

8. Over approximately the past 26 years of practice in New Jersey, I have come to know the firm of Carella Byrne, and its outstanding members, who, among other things, represent clients in complex civil litigation, including class actions and securities class actions and shareholder derivative litigation. Through my experience as a practitioner, I am also familiar with and lawyers in my office have worked with the firm of Bernstein Litowitz Berger & Grossman LLP (“Bernstein Litowitz”), one of the law firms representing Plaintiffs in the Actions herein.

9. I am personally familiar with the reputation of James E. Cecchi, Esq. (“Cecchi”) of Carella Byrne, and the lawyers at Bernstein Litowitz as attorneys who regularly represent clients in complex civil litigation venued in the federal and state courts of New Jersey. In my experience, Mr. Cecchi and his co-counsel at Bernstein Litowitz are the “cream of the crop” and consistently provide exceptionally high quality legal representation. Moreover, their willingness and capacity to prosecute cases aggressively and effectively is well-known among the corporate defense bar and, I believe, provides additional leverage to obtain the best available results for the shareholder classes they represent.

10. I have reviewed the hourly rates sought by Plaintiffs’ Counsel for services rendered to Plaintiffs by partners and associates. Those rates are set forth in Exhibit A hereto.


11. I have read Plaintiffs’ Counsels’ firm resumes, describing the skill, experience and reputation of Plaintiffs’ Counsel (ECF 192-4 through 192-9).

12. In my experience as a practitioner in this District, the current hourly rates being charged by Plaintiffs’ Counsel for the services rendered to Plaintiffs in the above-referenced

Actions are in line with the prevailing hourly rates currently being charged by New Jersey attorneys with comparable skill, experience, and reputation for legal services rendered in complex civil litigation in the federal and state courts in New Jersey.

13. By way of example of comparable billing rates, my current hourly rate for legal services is \$785. Cole Schotz currently charges hourly rates when representing clients in complex civil litigation in the federal and state courts of New Jersey which are comparable to and in some cases higher than those reflected on Exhibit A for attorneys with comparable experience.

I hereby declare under penalty of perjury that the foregoing is true and correct.



MICHAEL D. SIROTA

Dated: October 11, 2012

# EXHIBIT A

## ATTORNEY RATES

### Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C.

| <u>Name</u>          | <u>Position</u> | <u>Years of Practice</u> | <u>Rate</u> |
|----------------------|-----------------|--------------------------|-------------|
| James E. Cecchi      | Senior Partner  | 23                       | \$750       |
| Lindsey H. Taylor    | Partner         | 26                       | \$600       |
| Caroline F. Bartlett | Partner         | 8                        | \$600       |
| David Gilfillan      | Partner         | 19                       | \$525       |
| Donald A. Ecklund    | Associate       | 11                       | \$495       |
| Zach Bower           | Associate       | 8                        | \$495       |
| Audra Petrolle       | Associate       | 3                        | \$475       |

### Bernstein Litowitz Berger & Grossman, LLP

| <u>Name</u>         | <u>Position</u>  | <u>Years of Practice</u> | <u>Rate</u> |
|---------------------|------------------|--------------------------|-------------|
| Max Berger          | Senior Partner   | 40                       | \$975       |
| Gerald Silk         | Senior Partner   | 16                       | \$800       |
| Mark Lebovitch      | Partner          | 12                       | \$700       |
| Amy Miller          | Senior Counsel   | 10                       | \$575       |
| Jeroen van Kwawegen | Senior Associate | 8                        | \$500       |
| John Mills          | Senior Associate | 9                        | \$550       |
| Jeremy Friedman     | Associate        | 4                        | \$440       |
| Laurence Hasson     | Associate        | 5                        | \$450       |
| Thomas Keevins      | Staff Attorney   | 9                        | \$395       |
| Matt Mulligan       | Staff Attorney   | 7                        | \$375       |
| Spencer Oster       | Staff Attorney   | 8                        | \$375       |

**Abraham, Fruchter & Twersky, LLP**

| <u>Name</u>           | <u>Position</u> | <u>Years of Practice</u> | <u>Rate</u> |
|-----------------------|-----------------|--------------------------|-------------|
| Jeffrey S. Abraham    | Partner         | 25                       | \$795       |
| Jack G. Fruchter      | Partner         | 20                       | \$725       |
| Mitchell M.Z. Twersky | Partner         | 20                       | \$725       |
| Ximena R. Skovron     | Associate       | 8                        | \$495       |
| Philip T. Taylor      | Associate       | 6                        | \$425       |
| Arthur Chen           | Associate       | 7                        | \$395       |
| Kevin Rozzi           | Associate       | 9                        | \$350       |

**Robbins Geller Rudman & Dowd LLP**

| <u>Name</u>          | <u>Position</u> | <u>Years of Practice</u> | <u>Rate</u> |
|----------------------|-----------------|--------------------------|-------------|
| Darren J. Robbins    | Partner         | 18                       | \$790       |
| Travis E. Downs, III | Partner         | 22                       | \$725       |
| David W. Mitchell    | Partner         | 14                       | \$630       |
| Darryl Alvarado      | Associate       | 5                        | \$380       |

**Kantrowitz, Goldhamer & Graifman, P.C.**

| <u>Name</u>             | <u>Position</u>  | <u>Years of Practice</u> | <u>Rate</u> |
|-------------------------|------------------|--------------------------|-------------|
| Gary S. Graifman        | Partner          | 31                       | \$735       |
| Michael L. Braunstein   | Senior Associate | 15                       | \$595       |
| Reginald H. Rutishauser | Senior Associate | 22                       | \$595       |
| William T. Schiffman    | Associate        | 37                       | \$575       |

**Morris and Morris LLC**

| <b><u>Name</u></b> | <b><u>Position</u></b> | <b><u>Years of Practice</u></b> | <b><u>Rate</u></b> |
|--------------------|------------------------|---------------------------------|--------------------|
| Karen Morris       | Managing Partner       | 28                              | \$765              |
| Patrick Morris     | Partner                | 28                              | \$685              |
| R. Michael Lindsey | Associate              | 23                              | \$625              |